

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,	}	NO. CR-09-2001-WFN
Respondent,		
-vs-		
NICHOLAS DEAN ELWELL,		ORDER STRIKING MOVANT'S § 2255 MOTION
Movant.	}	

Pending before the Court is Mr. Elwell's Motion to Withdraw § 2255 Motion. ECF No. 96. Movant requests that the Court allow him to withdraw his Motion because he would not like to pursue the claims. Though Movant requests that the Court dismiss his § 2255 Motion with prejudice, the Court is not inclined to do so. Instead, the Motion will be stricken and the § 2255 matter closed. The Court has reviewed the file and Motion and is fully informed. Accordingly,

IT IS ORDERED that:

1. Mr. Elwell's Motion to Withdraw § 2255 Motion, filed April 22, 2011, **ECF No. 96**, is **GRANTED**.

2. Defendant's § 2255 Motion, filed December 30, 2011, **ECF No. 92**, is **STRICKEN**.

The District Court Executive is directed to file this Order, provide copies to counsel and *pro se* Movant and **CLOSE** the corresponding civil file, CV-10-3120-WFN.

DATED this 25th day of April, 2011.

s/ Wm. Fremming Nielsen
WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE

04-25

ORDER